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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-9889

In re Application of
Akira Yoshikawa, et al.
Application No. 09/886,976
Filed: June 25, 2001

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**DECISION ON PETITION TO
MAKE SPECIAL**

**For: INVESTIGATION DEVICE AND
INVESTIGATION METHOD**

This is a decision on the petition filed December 3, 2004 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:

- (1) be filed prior to receiving any examination by the examiner,
- (2) be accompanied by the required fee- \$130,
- (3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
- (4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
- (5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
- (6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petition does not fulfill the requirement in item (1) in that a non-final Office action was mailed on July 14, 2004. Thus, the subject petition was filed after receiving an examination by the examiner.

For the above stated reasons, the petition is **DENIED**.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications